



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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July 28, 2025

The Honorable Jennifer E. Willis
United States District Court
Southern District of New York
40 Foley Square, Room 425
New York, NY 10007

Re: *City of New York v. EnviroMD Group LLC, et al.*, No. 1:24-cv-05161-GHW-JW (S.D.N.Y.)

Dear Judge Willis:

This office represents plaintiff the City of New York (the “City”) in this action.

Pursuant to the Court’s order of July 21, 2025, the City contacted the defendants to arrange for a meeting to discuss a status report and revised Case Management Order (“CMO”). Only counsel for defendants Vape Plus and Vape More responded. The proposed revised CMO negotiated between the City and those two defendants has been filed (*Dkt. No.* 107). The City respectfully requests that the amended dates in the proposed CMO apply to all defendants.

However, other than in discussions with counsel for Vape Plus and Vape More, the City never agreed to suspend discovery with any defendant. Indeed, the ongoing settlement discussions with all of defendants required as a precondition the production of documents to the City. To date none of the remaining defendants have responded to the City’s Requests for Production, most have not produced any documents and none has completed production. Although the City requests that defendants benefit from the extended dates in the amended CMO, we further request leave to file a letter motion to compel now, to establish a “so-ordered” date certain for the completion of document production to assure the dates in the amended CMO will be achieved.

Thank you for your attention to this matter.

Respectfully submitted,

Eric Proshansky
Assistant Corporation Counsel